

---

# ZONING ANALYSIS

---

## Planning Commission Public Hearing

June 6, 2017

Planning Commission

## Board of Commissioners' Public Hearing

June 20, 2017

Prepared by:

COBB COUNTY

PLANNING AND ZONING DIVISIONS

***COBB COUNTY BOARD OF COMMISSIONERS***

**Mike Boyce, Chairman**  
**Bob Weatherford, District 1**  
**Bob Ott, District 2**  
**JoAnn Birrell, District 3**  
**Lisa Cupid, District 4**

***COUNTY MANAGER***

**Rob Hosack**

***COBB COUNTY PLANNING COMMISSION***

**Galt Porter**  
**Skip Gunther**  
**Mike Terry**  
**Thea Powell**  
**Judy Williams**

***COBB COUNTY ZONING DIVISION***  
***COMMUNITY DEVELOPMENT DEPARTMENT***

**Dana Johnson, Director, Community Development**  
**John Pederson, Manager, Zoning Division**



*Cobb County...Expect the Best!*

THIS  
PAGE  
INTENTIONALLY  
LEFT  
BLANK

# **A G E N D A S**

**COBB COUNTY-  
ZONING HEARING AGENDA  
Planning Commission–June 6, 2017**

**NOTE:** *The applicant/property owner(s), prior to hearing date, may withdraw petitions contained in this agenda; therefore, the Planning Commission will not consider those cases.*

**CONTINUED CASES**

- Z-18<sup>16</sup>**     **POPE & LAND ENTERPRISES, INC.** (John M. Struhar, Jr., Edward K. Murphy and Denise D. Murphy, owners) requesting Rezoning from **RM-8** to **RRC** for the purpose of a Mixed Use Development in Land Lot 977, of the 17<sup>th</sup> District. Located on the easterly side of River Oaks Drive, north of Stillhouse Lane. *(Previously continued by Staff from the March 1, 2016, April 1, 2016, May 3, 2016, June 7, 2016, July 7, 2016, August 2, 2016, September 8, 2016, October 4, 2016, November 1, 2016, December 6, 2016, February 7, 2017 and March 7, 2017 and the April 4, 2017 Planning Commission hearings until the June 6, 2017 Planning Commission hearing)*
- Z-9**     **PARAN HOMES** (Glover Allen Smith and Shirley Moore Smith, owners) requesting Rezoning from **R-30** to **R-20 OSC** for the purpose of a Residential Subdivision in Land Lots 378 and 379 of the 19<sup>th</sup> District. Located on the east and west sides of Corner Road and south of Wright Road. *(Previously held by the Planning Commission from their March 7, 2017 hearing until the April 4, 2017 Planning Commission hearing; and continued by Staff from the April 4, 2017, May 2, 2017, and June 6, 2017 Planning Commission hearing until the July 6, 2017 Planning Commission hearing)*
- Z-12**     **SSP BLUE RIDGE, LLC** (Multiple Titleholders on file in the Zoning Division) requesting Rezoning from **GC, NS, R-20 & R-80** to **CRC** and **RM-12** for the purpose of a Mix of Retail, Commercial and Townhomes in Land Lots 923 and 924 of the 17<sup>th</sup> District. Located on the northwest side of Terrell Mill Road, and on the west side of Powers Ferry Road. *(Previously continued by Staff from the April 4, 2017 and May 2, 2017 and June 6, 2017 Planning Commission hearings until the September 7, 2017 Planning Commission hearing)*

- Z-15**      **KERLEY FAMILY HOMES, LLC** (The Estate of Nellie Duncan England; Mary Nichols Miltiades, as Successor Trustee of the Evans John Nichols Revocable Trust, owner) requesting Rezoning from **R-30** to **R-20 OSC** for the purpose of Single-Family Residential in Land Lot 198 of the 20<sup>th</sup> District. Located on the east side of Acworth Due West Road, north of Stilesboro Road. *(Previously continued by Staff from the April 4, 2017 Planning Commission hearing until the May 2, 2017 Planning Commission hearing; and held by the Planning Commission until their June 6, 2017 hearing)*
- Z-19**      **CLARENCE CLAY** (Clarence Clay, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Adding Storage to a Sports Bar in Land Lots 189 and 190 of the 18<sup>th</sup> District. Located on the east side of Mableton Parkway, north of Community Drive. *(Previously continued by the Planning Commission from their May 2, 2017 Planning Commission hearing until the June 6, 2017 Planning Commission hearing)*

## **REGULAR CASES --- NEW BUSINESS**

### **Rezoning**

- Z-22**      **VENTURE HOMES, INC** (Bill Jones Holdings, LLC, owner) requesting Rezoning from **GC** to **FST** for the purpose of Townhomes in Land Lots 55 and 56 of the 20<sup>th</sup> District. Located on the southwest side Wooten Lake Road, and on the east side of Wade Green Road.
- Z-23**      **COURTNEY ELLIS** (Elvia Benitez, owner) requesting Rezoning from **PSC, R-20** to **NRC** for the purpose of a Child Care Center in Land Lot 59 of the 17<sup>th</sup> District. Located on the north side of Michael Drive, east of Brackett Street.
- Z-24**      **NARDEN KALDANI** (Leona Badalian and Narden Kaldani, owners) requesting Rezoning from **R-20** to **R-12** for the purpose of Single Family Houses in Land Lot 985 of the 16<sup>th</sup> District. Located on the south side of Roswell Road, east of Hood Road. – **WITHDRAWN WITHOUT PREJUDICE**

- Z-25**      **VENTURE HOMES, INC.** (Land Acquisitions Investments, LLC, owner) requesting Rezoning from **CRC, LI** to **FST** for the purpose of Townhomes in Land Lots 421 and 422 of the 17<sup>th</sup> District. Located on the west side of Atlanta Road, south of Ledford Street.
- Z-26**      **GREEN WORX, LLC** (James Allen Pace, owner) requesting Rezoning from **R-20** to **RSL** for the purpose of Residential Senior Living (Non-supportive) in Land Lot 173 of the 19<sup>th</sup> District. Located on the southwest corner of Ernest Barrett Parkway and Villa Rica Road. *(Continued by Staff until the July 6, 2017 Planning Commission hearing)*
- Z-27**      **AMRETECK, LLC** (Amretek, LLC, owner) requesting Rezoning from **GC** to **RM-12** for the purpose of Townhomes in Land Lot 422 of the 17<sup>th</sup> District. Located on the south side of Ledford Street, west of Atlanta Road.
- Z-28**      **FATIMAH WILLOUGHBY** (Marietta Properties, LLC, owner) requesting Rezoning from **NS** to **NRC** for the purpose of A Nursery School/Child Day Care in Land Lot 311 of the 16<sup>th</sup> District. Located on the north side of Shallowford Road, west of Steinhauer Road.
- Z-29**      **GINA H. VINCENT** (Gina Vincent, owner) requesting Rezoning from **LRO** to **R-15** for the purpose of Single Family Houses in Land Lots 371 and 372 of the 16<sup>th</sup> District. Located on the east side of Blackwell Circle, south of Chastain Corner.
- Z-30**      **MONTECITO DEVELOPMENTS, LLC** (CML-GA TWO, LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of a Convenience Store with Fuel Sales and Restaurant in Land Lots 557 and 628 of the 19<sup>th</sup> District. Located at the western intersection of Austell Road and Callaway Road.

## **LAND USE PERMITS**

- LUP-9**      **JOHN ELLSWORTH** (Julie M. Ellsworth and John Ellsworth, owners) requesting a **Land Use Permit** for the purpose of a Cologne Business in Land Lot 146 of the 1<sup>st</sup> District. Located on the southwest side of Riverhill Road, southeast of Riverhill Court.
- LUP-10**    **DAVID MEANEY** (David L. Meaney and Elizabeth H.C. Bell, owners) requesting a **Land Use Permit** for the purpose of Poultry in Land Lot 825 of the 16<sup>th</sup> District. Located on the northwest side of Pine Road, northwest of Penhurst Drive.
- LUP-11**    **LAURI SHENNAN** (Lauri A. Shennan, owner) requesting a **Land Use Permit (Renewal)** for a Hair Salon in Land Lots 1246 and 1271 of the 19<sup>th</sup> District. Located on the west side of Sammy Drive, on the north side of Ruth Lane and on the south side of Norma Lane.



**NOTE:**      **“Pursuant to the Official Code of Cobb County, Zoning – Section 134-124(b) the Cobb County Board of Commissioners is authorized to consider and may consider all constitutionally permissible zoning classification(s), including, but not limited to, intervening classification(s) and/or the classification(s) sought by the applicant.”**

The exact description of the property sought to be rezoned is on file in the office of the Cobb County Community Development, Zoning Division, 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Cobb County Planning Commission at 9:00 a.m. on the prescribed hearing date. The public hearing will be held in the Second Floor Commissioners’ Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia, 30090.

Anyone wishing to attend this public hearing may do so and be heard relative thereto. Any person wishing to speak before the Planning Commission must file a contribution disclosure statement if, and only if, the monetary contribution was made within two (2) years immediately preceding the filing of the rezoning request and the contribution aggregates to a sum total of \$250.00 or more.

This disclosure statement must be submitted to the Zoning Division Office by mail to P. O. Box 649, Marietta, Georgia 30061 or in person at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 within five (5) days before the public hearing.

Additionally, if you believe you need any special accommodations in order to attend these public hearings, please contact the County Clerk’s Office at 770-528-3307 no later than 48 hours before the date of the above meeting.

**COBB COUNTY**  
**ZONING HEARING AGENDA**  
**Board of Commissioners–June 20, 2017**

**NOTE:** *Some of these petitions may not be heard by the Board of Commissioners. The Planning Commission may hold or continue some cases at their public hearing, and some cases may be withdrawn by the applicant/owner.*

**CONTINUED OR HELD CASES BY PLANNING COMMISSION, BOARD OF COMMISSIONERS OR STAFF (TO BE HEARD)**

- Z-18'<sup>16</sup>**      **POPE & LAND ENTERPRISES, INC.** (John M. Struhar, Jr., Edward K. Murphy and Denise D. Murphy, owners) requesting Rezoning from **RM-8** to **RRC** for the purpose of a Mixed Use Development in Land Lot 977, of the 17<sup>th</sup> District. Located on the easterly side of River Oaks Drive, north of Stillhouse Lane. *(Previously continued by Staff from the March 1, 2016, April 1, 2016, May 3, 2016, June 7, 2016, July 7, 2016, August 2, 2016, September 8, 2016, October 4, 2016, November 1, 2016, December 6, 2016, February 7, 2017, March 7, 2017, April 4, 2017 and May 2, 2017 Planning Commission hearings until the June 6, 2017 Planning Commission hearing)*
- Z-111'<sup>16</sup>**      **RSDC1, LLC** (Brian Carter, Mildred R. Lampley, William E. Rolader and Mary L. Rolader, Jason E. Carter and William E. Rolader as Executor of the Estate of Annie I. Rolader, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Residential Subdivision in Land Lot 400 of the 16<sup>th</sup> District. Located on the north side of Shallowford Road, east of Lassiter Road. *(Previously held by the Planning Commission from their December 6, 2016, February 7, 2017, March 7, 2017 and April 4, 2017 hearings until the May 2, 2017 Planning Commission hearing; Continued by the Board of Commissioners from the May 16, 2017 hearing until the June 20, 2017 hearing)*
- Z-15'<sup>17</sup>**      **KERLEY FAMILY HOMES, LLC** (The Estate of Nellie Duncan England; Mary Nichols Miltiades, as Successor Trustee of the Evans John Nichols Rev Trust, owner) requesting Rezoning from **R-30** to **R-20/OSC** for the purpose of Single-Family Residential in Land Lot 198 of the 20<sup>th</sup> District. Located on the east side of Acworth Due West Road, north of Stilesboro Road. *(Previously continued by Staff from the April 4, 2017 and May 2, 2017 Planning Commission hearings until the June 6, 2017 Planning Commission hearing)*

**Z-15<sup>'17</sup>**      **KERLEY FAMILY HOMES, LLC** (The Estate of Nellie Duncan England; Mary Nichols Miltiades, as Successor Trustee of the Evans John Nichols Rev Trust, owner) requesting Rezoning from **R-30** to **R-20/OSC** for the purpose of Single-Family Residential in Land Lot 198 of the 20<sup>th</sup> District. Located on the east side of Acworth Due West Road, north of Stilesboro Road. *(Previously continued by Staff from the April 4, 2017 and May 2, 2017 Planning Commission hearings until the June 6, 2017 Planning Commission hearing)*

**Z-19<sup>'17</sup>**      **CLARENCE CLAY** (Clarence Clay, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Adding Storage to a Sports Bar in Land Lots 189 and 190 of the 18<sup>th</sup> District. Located on the east side of Mableton Parkway, north of Community Drive. *(Previously continued by the Planning Commission from the May 2, 2017 Planning Commission hearing until the June 6, 2017 Planning Commission hearing)*

**CONTINUED OR HELD CASES BY PLANNING COMMISSION, BOARD OF COMMISSIONERS OR STAFF (NOT TO BE HEARD)**

**Z-9<sup>'17</sup>**      **PARAN HOMES** (Glover Allen Smith and Shirley Moore Smith, owners) requesting Rezoning from **R-30** to **R-20 OSC** for the purpose of a Residential Subdivision in Land Lots 378 and 379 of the 19<sup>th</sup> District. Located on the east and west sides of Corner Road and south of Wright Road. *(Previously held by the Planning Commission from their March 7, 2017 hearing until the April 4, 2017 Planning Commission hearing; and continued by Staff from the April 4, 2017 Planning Commission hearing from the May 2, 2017 and June 6, 2017 Planning Commission hearings until the July 6, 2017 Planning Commission hearing)*

**Z-12**      **SSP BLUE RIDGE, LLC** (Multiple Titleholders on file in the Zoning Division) requesting Rezoning from **GC, NS, R-20 & R-80** to **CRC** and **RM-12** for the purpose of a Mix of Retail, Commercial and Townhomes in Land Lots 923 and 924 of the 17<sup>th</sup> District. Located on the northwest side of Terrell Mill Road, and on the west side of Powers Ferry Road. *(Previously continued by Staff from the April 4, 2017 and May 2, 2017 and June 6, 2017 Planning Commission hearings until the September 7, 2017 Planning Commission hearing)*

- Z-26**      **GREEN WORX, LLC** (J.A. PACE, owner) requesting Rezoning from **R-20** to **RSL** for the purpose of Residential Senior Living (Non-supportive) in Land Lot 173 of the 19<sup>th</sup> District. Located on the southwest corner of Ernest Barrett Parkway and Villa Rica Road. *(Continued by Staff until the July 6, 2017 Planning Commission Hearing).*

**REGULAR CASES --- NEW BUSINESS**

- Z-22**      **VENTURE HOMES, INC** (Bill Jones Holdings, LLC, owner) requesting Rezoning from **GC** to **FST** for the purpose of Townhomes in Land Lots 55 and 56 of the 20<sup>th</sup> District. Located on the southwest side Wooten Lake Road, and on the east side of Wade Green Road.
- Z-23**      **COURTNEY ELLIS** (Elvia Benitez, owner) requesting Rezoning from **PSC, R-20** to **NRC** for the purpose of a Child Care Center in Land Lot 59 of the 17<sup>th</sup> District. Located on the north side of Michael Drive, east of Brackett Street.
- Z-24**      **NARDEN KALDANI** (Leona Badalian and Narden Kaldani, owners) requesting Rezoning from **R-20** to **R-12** for the purpose of Single Family Houses in Land Lot 985 of the 16<sup>th</sup> District. Located on the south side of Roswell Road, east of Hood Road. **(Withdrawn without Prejudice)**
- Z-25**      **VENTURE HOMES, INC.** (Land Acquisitions Investments, LLC, owner) requesting Rezoning from **CRC, LI** to **FST** for the purpose of Townhomes in Land Lots 421 and 422 of the 17<sup>th</sup> District. Located on the west side of Atlanta Road, south of Ledford Street.
- Z-27**      **AMRETECK, LLC** (Amreteck, LLC, owner) requesting Rezoning from **GC** to **RM-12** for the purpose of Townhomes in Land Lot 422 of the 17<sup>th</sup> District. Located on the south side of Ledford Street, west of Atlanta Road.
- Z-28**      **FATIMAH WILLOUGHBY** (Marietta Properties, LLC, owner) requesting Rezoning from **NS** to **NRC** for the purpose of a Nursery School/Child Day Care in Land Lot 311 of the 16<sup>th</sup> District. Located on the north side of Shallowford Road, west of Steinhauer Road.

- Z-29**      **GINA H. VINCENT** (Gina Vincent, owner) requesting Rezoning from **LRO** to **R-15** for the purpose of Single Family Houses in Land Lots 371 and 372 of the 16<sup>th</sup> District. Located on the east side of Blackwell Circle, south of Chastain Corner.
- Z-30**      **MONTECITO DEVELOPMENTS, LLC** (CML-GA TWO, LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of a Convenience Store with Fuel Sales and Restaurant in Land Lots 557 and 628 of the 19<sup>th</sup> District. Located at the western intersection of Austell Road and Callaway Road.

### **LAND USE PERMITS**

- LUP-9**      **JOHN ELLSWORTH** (Julie M. Ellsworth and John Ellsworth, owners) requesting a **Land Use Permit** for the purpose of a Cologne Business in Land Lot 146 of the 1<sup>st</sup> District. Located on the southwest side of Riverhill Road, southeast of Riverhill Court.
- LUP-10**      **DAVID MEANEY** (David L. Meaney and Elizabeth H.C. Bell, owners) requesting a **Land Use Permit** for the purpose of Poultry in Land Lot 825 of the 16<sup>th</sup> District. Located on the northwest side of Pine Road, northwest of Penhurst Drive.
- LUP-11**      **LAURI SHENNAN** (Lauri A. Shennan, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Hair Salon in Land Lots 1246 and 1271 of the 19<sup>th</sup> District. Located on the west side of Sammy Drive, north side of Ruth Lane, south of Norma Lane.

### **SETTLEMENT OF LITIGATION**

- Z-35'<sup>16</sup>**      **ADVENTUR LIVING LLC** (T.M. Denome, William Harry Nelson and Glenna S. Nelson, owners) requesting Rezoning from **R-20** to **RSL (Non-Supportive)** for the purpose of Senior Living in Land Lot 304 of the 16<sup>th</sup> District. Located on the east side of Ebenezer Road, north of Blackwell Road, and the western terminus of Cedar Ridge Road (3862 Ebenezer Road). **(See Other Business #15 in the Other Business Agenda).**

## **OTHER BUSINESS CASES**

### **ITEM OB-015**

To consider a Settlement of Litigation for T.M. Denome a/k/a Toni Barnes regarding rezoning application Z-35 (Adventur Living, LLC) of 2016, for property located on the east side of Ebenezer Road and at the western terminus of Cedar Ridge Road in Land Lot 304 of the 16<sup>th</sup> District. *(Previously continued by the Board of Commissioners from the May 16, 2017 hearing)*

### **ITEM OB-016**

To consider amending the site plan for Lidl US Operations, LLC regarding rezoning application Z-223 (Evelyn J. Gordy-Rankin & Larry Thompson) of 1988, for property located at the northwest intersection of Shallowford Road and Gordy Parkway in Land Lots 335 and 386 of the 16<sup>th</sup> District. *(Previously continued by Staff from the May 16, 2017 hearing)*

### **ITEM OB-019**

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their May 10, 2017 Variance Hearing regarding Variance Application V-51 Christopher Campbell.

### **ITEM OB-020**

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their May 10, 2017 Variance Hearing regarding Variance Application V-54 Pradera Group.

### **ITEM OB-021**

To consider amending the site plan and stipulations for JWPIV-BAT, LLC regarding rezoning application Z-47 (Clarit Realty, LTD) of 2015, for property located at the southwest intersection of South Cobb Drive and Dink Lane in Land Lot 300 of the 17<sup>th</sup> District (2022 South Cobb Drive).

### **ITEM OB-022**

To consider amending the site plan and stipulations for Gary M. Deppe regarding rezoning application Z-51 (Arrowhead Real Estate Partners, LLC) of 2012, for property located on the north side of Roswell Road, west of Robert Lane in Land Lots 961, 984 and 985 of the 16<sup>th</sup> District.

### **ITEM OB-023**

To consider amending the site plan and stipulations for Medical Development, Corp. regarding rezoning application Z-33 (Medical Development, Corp.) of 2014, for property located on the west side of Bells Ferry Road and on the south side of Shiloh Pass in Land Lots 148 and 149 of the 16<sup>th</sup> District.

### **ITEM OB-024**

To consider amending the site plan and stipulations for D.R. Horton, Inc. regarding rezoning application Z-210 (W&H Properties, LLC) of 2006, for property located on the east side of Maxham Road, south of Veterans Memorial Highway in Land Lots 87 and 88 of the 18<sup>th</sup> District.

**NOTE:** “Pursuant to the Official Code of Cobb County, Zoning – Section 134-124(b) the Cobb County Board of Commissioners is authorized to consider and may consider all constitutionally permissible zoning classification(s), including, but not limited to, intervening classification(s) and/or the classification(s) sought by the applicant.”

The exact description of the property sought to be rezoned is on file in the office of the Cobb County Community Development, Zoning Division, 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Cobb County Board of Commissioners at 9:00 a.m. on the prescribed hearing date. The public hearing will be held in the Second Floor Commissioners’ Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia, 30090.

Anyone wishing to attend this public hearing may do so and be heard relative thereto. Any person wishing to speak before the Board of Commissioners must file a contribution disclosure statement if, and only if, the monetary contribution was made within two (2) years immediately preceding the filing of the rezoning request and the contribution aggregates to a sum total of \$250.00 or more.

This disclosure statement must be submitted to the Zoning Division Office by mail to P. O. Box 649, Marietta, Georgia 30061 or in person at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 within five (5) days before the public hearing.

Additionally, if you believe you need any special accommodations in order to attend these public hearings, please contact the County Clerk’s Office at 770-528-3307 no later than 48 hours before the date of the above meeting.